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AMENDMENTS TO THE CLAIMS:

1. (Currently Amended) A providing service control device comprising:

a module obtaining performance information indicating a state of a traffic congestion from a monitored target network;

a module storing information of a service level agreement for a user, including service levels substitutionally providable for the user, the service levels providable corresponding to the state of the traffic congestion; ~~and~~

a control module determining the substitutionally providable service for every user on the basis of the obtained performance information and the service level agreement, and having the corresponding service provided to a client terminal used by the user; and

wherein said control module controls a server within a provider network, and has the corresponding service provided to said client terminal used by the user;

said control module further changes a data size of data transmitted by said server to said client terminal as the corresponding service; and

the changed data to be transmitted by said server to said client terminal is different-data-size content data registered previously in said server by a content provider.

2. (Previously Presented) A providing service control device according to claim 1, wherein said monitored target network is an IP network including the Internet and a provider network, and

said providing service control device is disposed in said provider network.

3 - 6. (Cancelled)

PAGE 5/12 * RCVD AT 1/17/2007 1:48:55 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/14 * DNIS:2738300 * CSID:12129408987 * DURATION (mm-ss):15-00

7. (Original) A providing service control device according to claim 1, further comprising a module notifying said client terminal of the obtained performance information.

8. (Previously Presented) A providing service control device according to claim 7, further comprising a module receiving a service level change request that responds to the performance information of which said client terminal has been notified.

9. (Currently Amended) A network system comprising:

(A) a providing service control device comprising:

(a) a module obtaining performance information indicating a state of a traffic congestion from a monitored target network;

(b) a module storing information of a service level agreement for a user, including service levels substitutionally providable for the user, the service levels providable corresponding to the state of the traffic congestion; and

(c) a control module determining the substitutionally providable service for every user on the basis of the obtained performance information and the service level agreement, and having the corresponding service provided to a client terminal used by the user; and

(B)said client terminal comprising:

(d) a module independently obtaining performance information indicating a state of a traffic congestion from said monitored target network; ~~and~~

(e) a module executing a service level change request on the basis of the independently obtained performance information; and

PAGE 6/12 * RCVD AT 1/17/2007 1:48:55 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/14 * DNIS:2738300 * CSID:12129408987 * DURATION (mm-ss):15-00

wherein said control module controls a server within a provider network, and has the corresponding service provided to said client terminal used by the user;

said control module further changes a data size of data transmitted by said server to said client terminal as the corresponding service; and

the changed data to be transmitted by said server to said client terminal is different-data-size content data registered previously in said server by a content provider.

10. (Original) A network system according to claim 9, wherein said providing service control device further comprises a module notifying said client terminal of the obtained performance information, and

said client terminal further comprises a module receiving the performance information of which said providing service control device has notified.

11.(Previously Presented): A network system according to claim 10, wherein said providing service control device further comprises a module receiving the service level change request that responds to the performance information of which said client terminal has been notified, and

said client terminal further comprises a module executing the service level change request based on the performance information of which said providing service control device has notified.

12. (Original) A network system according to claim 11, wherein said client terminal further comprises a module controlling said client terminal itself on the basis of any one of the

PAGE 7/12 * RCVD AT 1/17/2007 1:48:55 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/14 * DNIS:2738300 * CSID:12129408987 * DURATION (mm-ss):15-00

independently obtained performance information and the performance information of which said providing service control device has notified.

13.(Previously Presented): A network system according to claim 9, wherein said monitored target network is an IP network including the Internet and a provider network, and said providing service control device is disposed in said provider network.

14-17. (Cancelled)

18. (Currently Amended) A providing service control method comprising:

obtaining performance information indicating a state of a traffic congestion from a monitored target network;

storing information of a service level agreement for a user, including service levels substitutionally providable for the user, the service levels providable corresponding to the state of the traffic congestion; ~~and~~

determining the substitutionally providable service for every user on the basis of the obtained performance information and the service level agreement, and having the corresponding service provided to a client terminal used by the user; and

controlling a server within a provider network, and having the corresponding service provided to said client terminal used by the user; and

changing a data size of data transmitted by said server to said client terminal as the corresponding service;

PAGE 8/12 * RCVD AT 1/17/2007 1:48:55 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/14 * DNIS:2738300 * CSID:12129408987 * DURATION (mm-ss):15-00

wherein the changed data to be transmitted by said server to said client terminal is different-data-size content data registered previously in said server by a content provider.

19-22. (Cancelled)

23. (Original) A providing service control method according to claim 18, further comprising notifying said client terminal of the obtained performance information.

24.(Previously Presented): A providing service control method according to claim 23, further comprising receiving a service level change request that responds to the performance information of which said client terminal has been notified.

25.(currently amended): A readable-by-computer recording medium recorded with a program read by a computer to execute:

obtaining performance information indicating a state of a traffic congestion from a ~~monitor~~ monitored target network;

storing information of a service level agreement for a user, including service levels substitutionally providable for the user, the service levels providable corresponding to the state of the traffic congestion; and

determining the substitutionally providable service for every user on the basis of the obtained performance information and the service level agreement, and having the corresponding service provided to a client terminal used by the user; and

PAGE 9/12 * RCVD AT 1/17/2007 1:48:55 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/14 * DNIS:2738300 * CSID:12129408987 * DURATION (mm-ss):15-00

controlling a server within a provider network, and having the corresponding service provided to said client terminal used by the user; and

changing a data size of data transmitted by said server to said client terminal as the corresponding service;

wherein the changed data to be transmitted by said server to said client terminal is different-data-size content data registered previously in said server by a content provider.

PAGE 10/12 * RCVD AT 1/17/2007 1:48:55 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/14 * DNIS:2738300 * CSID:12129408987 * DURATION (mm-ss):15-00